

### **REMARKS**

Claims 23-44 are currently pending in the subject application and are presently under consideration. Claims 23, 25, 26, 27, 29, 30, 34, 36-38, 40, 41, and 44 have been amended as shown on pp. 2-5 of the Reply. Examiner Bonzo is thanked for the courtesies extended to Applicant's Representative Jay Ryan in a telephone interview on November 21, 2006. However, no agreement was reached as to the proposed amendments.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

#### **I. Objection to Claim 25**

Claim 25 stands objected to as it recites the "network interface component" and "the output component" prior to properly introducing them into the chain of antecedent basis. The objection of claim 25 is believed to be overcome by the subject amendment. Therefore, this objection should be withdrawn.

#### **II. Rejection of Claims 23-28, 34, and 44 Under 35 U.S.C. §102(e)**

Claims 23-28, 34, and 44 stand rejected under 35 U.S.C. §102(e) as being anticipated by Grieshaber *et al.* (US 6,598,106). Withdrawal of this rejection is requested for at least the following reasons. Grieshaber *et al.* does not disclose each and every limitation set forth in the subject claims.

A single prior art reference anticipates a patent claim only if it ***expressly or inherently describes each and every limitation set forth in the patent claim.*** *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The ***identical invention must be shown in as complete detail as is contained in the ... claim.*** *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

Applicant's claimed invention, as recited in amended claim 23 (and similarly independent claim 44), relates to a system that facilitates generating a dynamic output in a state machine. An *input component* receives communication related to at least one *indicator that receives updated status/ event information* from the communication. A *logic function component* is provided that *defines a logical function using at least one function block and links the logical function with the indicator to define the behavior of an output and selectively provide an output signal according to the logic function and the at least one indicator*. Grieshaber *et al.* does not disclose or suggest these novel features.

Grieshaber *et al.* relates to a system and method for controlling a dual port bus. Contrary to assertions made in the Office Action, the cited reference does not disclose or suggest at col. 9, line 49 through col. 10, line 27, let alone anywhere else in the document, a system utilizing an *indicator* and a *logic function component* as recited in claim 23. Rather, the cited section merely discloses a process for isolating a bus. Steps are disclosed of determining a bus fault in a recursive process, constantly monitoring the bus until a fault is detected. If a fault is detected, a secondary bus is logically isolated from an external bus, so as to cure the bus errors. If the error is not corrected, the process is repeated to isolate another bus in the effort to detect the source of the error. It is readily apparent that the Grieshaber *et al.* document is simply drawn to a device for finding internal errors on an internal bus for connecting to peripheral components, *e.g.* a SCSI bus. There is nothing in Grieshaber *et al.* that discloses or suggests the claimed aspects stated *supra*, as recited in claim 23 (and similarly in independent claims 44.) In view of at least the foregoing arguments, it is readily apparent that the cited document does not disclose or suggest every aspect of the claimed subject matter. Accordingly, the rejection of independent claims 23 and 44 (and claims that depend there from) should be withdrawn.

### **III. Rejection of Claim 35 Under 35 U.S.C. §103(a)**

Claim 35 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Grieshaber *et al.* Withdrawal of this rejection is requested for at least the following reasons. Claim 35 depends from independent claim 23; and as stated *supra*, Grieshaber *et al.* does not disclose or suggest every limitation set forth in the subject independent

claim, therefore dependent claim 35 is allowable for at least the same reasons as claim 23. Accordingly, this rejection should be withdrawn.

**IV. Rejection of Claims 29-33 and 36-43 Under 35 U.S.C. §103(a)**

Claims 29-33 and 36-43 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Grieshaber *et al.* in view of Tentij *et al.* (US 6,513,129). Withdrawal of this rejection is requested for at least the following reasons. Neither Grieshaber *et al.* nor Tentij *et al.*, alone or in combination, disclose or suggest all the limitations recited in subject claims.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *See* MPEP §706.02(j). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *See In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Claims 29-33 depend from independent claim 23. As stated *supra*, Grieshaber *et al.* does not disclose or suggest every limitation set forth in the subject independent claim, and Tentij *et al.* fails to cure the deficiencies. Therefore, claims 29-33 are allowable for at least the same reasons as claim 23.

Applicant's invention of amended independent claim 36 relates to a method that provides a variable output related to received information, comprising, *inter alia*, acts of ***accepting an input comprising at least one indicator that indicates updated status/ event information, transmitting the input to a logic function, the logic function contains at least one function block, associating the at least one indicator with the at least one function***

*block; and providing an output based at least in part upon the at least one indicator and the logic function.* Grieshaber *et al.* and Tentij *et al.*, alone or in combination, do not disclose or suggest these novel features.

As discussed *supra*, the Grieshaber *et al.* document does not disclose or suggest at col. 9, line 49 through col. 10, line 27, let alone anywhere else in the document, a system as recited in the other independent claims. The Grieshaber *et al.* recursive process for detecting bus fault and logically isolating a bus having an error does not in any way disclose or suggest a method utilizing *at least one indicator that indicates updated status/event information*, in accordance with amended independent claim 36. The Office Action admits that Grieshaber *et al.* fails to disclose or suggest the act of *transmitting the input to a logic function, the logic function contains at least one function block*. A combination had been proposed with Tenji *et al.*, who allegedly disclose such an act. However, Tenji *et al.* discloses using a management system for processing configuration and control objects, so as to implement user-defined fault management objectives.

Other than being superficially related to the field of fault detection, there would be no motivation for combining Tenji *et al.* with the fault isolation method disclosed by Grieshaber *et al.* A person skilled in the art would not be led to such a combination of these references unless guided by the subject disclosure as a 20/20 hindsight road map to the claimed invention. In any event, even if the proposed combination were possible, there is nothing in Tenji *et al.* that would cure the aforementioned deficiencies of Grieshaber *et al.* In view of at least the foregoing arguments, it is therefore readily apparent that the Grieshaber *et al.* and Tenji *et al.* documents, taken alone or in combination, fail to disclose or suggest every aspect of the claimed subject matter. Accordingly, the rejection of independent claim 36 (and claims that depend there from) should be withdrawn.

**CONCLUSION**

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063[ALBRP173USA].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

AMIN, TUROCY & CALVIN, LLP

/Himanshu S. Amin/

Himanshu S. Amin

Reg. No. 40,894

AMIN, TUROCY & CALVIN, LLP  
24<sup>TH</sup> Floor, National City Center  
1900 E. 9<sup>TH</sup> Street  
Cleveland, Ohio 44114  
Telephone (216) 696-8730  
Facsimile (216) 696-8731